REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

> **3. Claim 26-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 states "an actuator" in the fourth line. It is unclear is this is a different actuator or the same as earlier in the claim.**

Claim 26 has been amended.

> **5. Claims 1-3, 9-11, 26-28, 34-36, are rejected under 35 U.S.C. 102(b) as being anticipated by Patil et al (U. S. Patent no. 5070284).**
>
> **Vehicle suspension with actuator 100, Clamp circuit comprises control 142 and resistors 138 and switches controlled by relay 140.**
>
> **6. Claims 1-3, 6,7, 9-13, 16-22, 25-28, 31,32, 34-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (U. S. Patent no. 5296785). Vehicle suspension with actuator 100, Clamp circuit with coils 124, switches 162,166a, powered by battery 140 or capacitor 168, pulsed by pulser 182 See abstract.**

Claim 1 has been amended to recite that the "clamp circuit [is] **activated** by movement of the actuator." (emphasis added.) In the specification, in some examples, "the vehicle suspension system employs power developed by the actuator itself to activate circuitry to provide the desired passive damping characteristics." (p. 5, lines 24-26.)

Patil and Miller do not describe and would not have made obvious what is claimed. In Patil, during a power or suspension system failure, "**normally closed** (NC) contacts of the relay **are closed** to pass the dc signal from the machine to a defined load comprising a fail-safe resistance to define a fail-safe damping rate for the suspension system." (col. 5, line 64 – col. 6, line 1, emphasis added.) It is generally understood that normally closed or open switches passively return to their "normal," un-energized, closed or open state when power is removed.

In Miller, the passive operation of normally closed and normally open switches similarly connects the fail safe control to the actuator. (see, e.g., col. 6, line 47 – 52.)

In contrast, claim 1 describes a clamp circuit "activated by movement of [an] actuator" in a vehicle suspension system. In an example using an IGBT gate, the specification describes how the movement of an actuator is used to enable (i.e., activate and sustain) the IGBT gate in the fail safe clamping circuit:

> When the armature 14 first starts moving, some small back EMF voltage is generated. ... By using the Royer oscillator circuit 104, only approximately 0.5 Volts of back EMF is needed to enable IGBT 124 and clamp the coils of the stator 16. Once the IGBT 124 is enabled, a capacitance in circuit 108 keeps the IGBT 124 enabled even after the armature 14 slows down. No external power is required to clamp the coils; only the back EMF is used to enable the IGBT 124. (p. 11, line 18 – p. 12, line 13.)

For at least these reasons, claim 1 is patentable.

Independent claims 12, 19, 26 and 42 have been amended and are patentable for at least the same reasons as claim 1.

All the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Please apply any charges or credits to deposit account 06-1050, Order No. 02103-381001.

Respectfully submitted,

Date: 9/2/6

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